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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FILED

December 15, 2015

TEXAS HEALTH AND HUMAN
SERVICES COMMISSION

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KAREN MITCHELL
CLERK, U.S. DISTRICT COURT

Plaintiff,

v.

UNITED STATES OF AMERICA,
UNITED STATES DEPARTMENT
OF STATE, JOHN KERRY in his
Official Capacity as SECRETARY OF
STATE, UNITED STATES
DEPARTMENT OF HEALTH &
HUMAN SERVICES,
SYLVIA BURWELL, in her Official
Capacity as SECRETARY OF
HEALTH AND HUMAN SERVICES,
OFFICE OF REFUGEE
RESETTLEMENT, ROBERT CAREY,
in his Official Capacity as Director
of the OFFICE OF REFUGEE
RESETTLEMENT, and INTERNATIONAL
RESCUE COMMITTEE, INC.

Defendant's

MOTION TO DISMISS

FRIEND OF THE COURT, DAVID GOAD, brings this Motion to Dismiss for the following reasons:

1. TEXAS ATTORNEY GENERAL, WARREN KENNETH PAXTON, JR. (Ken Paxton) is not admitted to practice before THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS.

2. TEXAS ATTORNEY GENERAL, KEN PAXTON, presents a case with questionable merit and deception.

3. TEXAS ATTORNEY GENERAL, KEN PAXTON, is a suspected swindler and videotaped thief.

4. TEXAS ATTORNEY GENERAL, KEN PAXTON is unfit to practice law.

5. TEXAS ATTORNEY GENERAL, KEN PAXTON, has brought this case for SELF-ENRICHMENT.

6. EACH of KEN PAXTON'S SUBORDINATE ATTORNEYS are not admitted to practice before THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS.

FACTS

7. Friend of the Court, David Goad, is a resident of Texas, he along with countless other Texan's are feed-up with the disgrace by which our public officials bring upon our Great State. Furthermore, David Goad is a citizen of the Defendant, the United States of America; this should provide enough standing to present this friend of the court motion.

8. Texas Attorney, General Ken Paxton, and subordinate attorneys filed the above captioned case on behalf of all Texan's including friend of the court, David Goad, on December 2, 2015.

Admissions to this Court

9. THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION (USDC-DALLAS) Has published Admission Requirements and Application, referencing local rules - **LR-83.7** Admission of Attorneys. **(a) Eligibility for Admission.** Any attorney licensed to practice law by the Supreme Court of Texas, or by the

highest court of any state or the District of Columbia, may be admitted to the bar of this court if the attorney is of good personal and professional character and is a member in good standing of the bar where the attorney is licensed. **(b) Procedure for Admission.** Attorneys desiring admission to the bar of this court must complete an application for admission, to be approved by a district judge, and except as provided in section (c) of this rule, be introduced by a member in good standing of the bar of this court, and take the required oath or affirmation before a judge of this court. After the oath or affirmation is administered, and the applicant has paid the appropriate fee, the clerk shall issue a certificate stating that the attorney is admitted to practice before this court. **(c) Admission Before Judges of Other Courts.** Any nonresident attorney who has completed all requirements for admissions to the bar of this court may, with the approval of district judge of this division where the application is pending, have the oath of admission administered by a judge in another district. The nonresident attorney must file the oath with the clerk and pay the appropriate fee before the attorney's name will be added to the roll of attorneys for the district. [sic]

10. As of December 4, 2015, no record of application or any other document could be found by court staff proving that Ken Paxton and or any of his subordinate attorneys listed on the complaint are admitted to practice in this Federal Court, the Federal Court in San Antonio, or the Federal Court in Austin, TX.

11. As of December 4, 2015, no *Pro Hac Vice* motion or notice is found in the court record.

Breaking the law

12. As a result of Ken Paxton's admission of wrongdoing to the Texas State Security Board in 2014, Mr. Paxton paid a fine for hustling clients for a friend's investment firm without the required securities license.

13. In 2015, Ken Paxton was indicted on multiple accounts including fraud, a first-degree felony with the possibility of life in prison, see **Exhibit A**, attached and incorporated herein by reference along with all other exhibits.

14. On December 2, 2015, Ken Paxton and his subordinate attorneys filed the above captioned lawsuit (this suit) without being admitted to this court.

15. According to the Burnt Orange Report (.com Nov 20, 2014), Ken Paxton stole a \$1000.00 Montblanco pen from a "tray" after an attorney, Joe Joplin, while in a rush, failed to retrieve the pen from the "tray" after passing through a security check at the Collin County Courthouse. The pen was a gift from Mr. Joplin's beloved wife, leading him on a mission, which turned up a video of Ken Paxton's sticky fingers. "Joe Joplin commented that "you can surmise" what happened. The pen incident is more than just a bizarre blip on Ken Paxton's radar, however-it's indicative of his larger criminal past." [sic]

16. After Ken Paxton determined that his and the clerks religious freedom trumped the United States Supreme Courts flawed ruling in Obergefell v. Hodges, he openly encouraged anti-gay clerks to refuse marriage licenses to same-sex couples, see www.slate.com, Texas" Gay-Bashing Attorney General Is in a Stunning Amount of Legal Trouble, and www.towleroad.com, Texas AG Ken Paxton Begs County Clerks Not To Issue Marriage Licenses to Gay Couples.

17. The Lubbock Avalanche-Journal reported on July 4, 2015, Texas AG fills several top jobs without public postings "Fourteen people who worked on Paxton's campaign or for

former Gov. Rick Perry or U.S. Sen. Ted Cruz were given administrative jobs in the new attorney general's office, the Austin American-Statesman reported."

18. Austin American-Statesman, Ken Paxton conflict-of-interest questions raised in new filing. "State Attorney General Ken Paxton was paid shares in a Texas company worth \$100,000.00 to provide information about sales opportunities in the government while he was a member of the Texas House, a document filed in Paxton's criminal case said."

19. Not less than 150 attorneys have asked the Texas State Bar to remove Ken Paxton's bar card.

Deceptive information in complaint

20. Ken Paxton states in his complaint paragraph 6, "Texas accepts approximately 10 percent of all refugees resettled in the United States--more than any other state." Paragraph 10, "In addition to Texas undertaking more than its share in the task of resettling refugees than any other state."

21. Refer to: www.wrapsnet.org/Reports/InteractiveReporting/tabid/393/Default.aspx. This site is the Refugee Processing Center's data for all refugees distributed to each of the 50 states here in the U.S. The Texas State Refugee Office confirmed that the data found on this site could be relied upon from 1995 to 2015. The site states "Data prior to 2002 was migrated into WRADS from a legacy system therefore we have more confidence in post-2002 data. With this in mind, a date of December 1, 2002 thru December 1, 2015 was first entered. The results were as follows: 88,590 refugees settled in California during this period and 71,147 settled in Texas during that same period. States less than half the size of Texas took in substantial numbers of refugees also, Washington 33,139, New Hampshire 45,167, and Georgia 30,731. If we go back

20 years from 1995 thru 2015, we find California with 93,342 refugees and Texas with 72,507 refugees.

Merit

22. On page 10 of the complaint, along with the traditional likelihood of prevailing on the merits, B. there is a substantial threat that irreparable injury will result if the injunction is not granted"; is speculative to say the least. Granting friend of the court, David Goad, a hearing will provide this court with sufficient facts to bar Ken Paxton from practicing before this court.

Friend of the Court Hearing

23. David Goad requests the court set a hearing on these matters in order that a change may begin to take place in the Texas Attorney Generals Office and to prove Ken Paxton is unfit to practice before any court of law.

24. Former AG, Greg Abbott mastered fear mongering, pandering, and grandstanding during his time as AG. Beginning with Mr. Abbott and up to July 2015, the AG filed 34 lawsuits against the "Obama Administration" see Texas vs. the Feds: A look at the Lawsuits by Neena Satija, a Yale graduate with The Texas Tribune.

25. I have highlighted "Obama Administration" because in every news story across Texas that I have read, the "Obama Administration" is always noted in or near the headline when a suit is filled. As common as when a Texas newspaper reports on a welfare issue or a group that is being provided some sort of state or federal benefit, a picture is always inserted with a black or Mexican person(s), never a white person. Each time, I call a newspaper to inquire about this practice, I am either hung-up on or chewed-out. It takes no stretch of the imagination to see that our black president is hated, and his successes tarnished to no end here in Texas. President Obama's name has provided Mr. Abbott with tens of millions in free advertizing to secure the

governors seat. See www.politifact.com, Texas' attorney general, Greg Abbott, addresses tea party group Freedom Works Texas in Austin on April 27, 2013. "I go into the office, I sue the federal government, and I go home." Greg Abbott was quoted on April 30, 2013, Associated Press. There is no doubt that these suits have costs all tax payers across this nation tens of millions. It should be noted that only three suits were filed against President Bush. Ken Paxton is now using the same vexatious strategy in an attempt to wash the mud upon him and his office. If the court will allow a hearing, David Goad will put his "money where his mouth is."

26. David Goad sent a letter to Governor Abbott on November 17, 2015, see

Exhibit B. These facts show that being a Mexican, a baby, poor, or one who speaks out about Texas' infamous public-servant-corruption is more dangerous than a hand full of Syrian refugees. In fact, the evidence will show that the AG will assist and support corrupted district attorneys (and others), but not the victims.

Summary

27. Imagine someone parking his black Chrysler 500, and then imagine that same person walking out into the parking lot and climbing into a black Bentley, driving off, and claiming it was an accident...sure, they look similar at a distance, but as soon as the door opens the craftsmanship pops. Now, take a \$1000.00 Montblanco¹ pen, you put it in your hand and you automatically notice the exceptional craftsmanship, but not Ken Paxton. Ken Paxton did not return the pen; he was searched out and hunted down, then "it was an accident." I am sure we can all hear him now "dam it, that sure was a nice pen." Next time you're in the pen shop ask to hold a thousand dollar pen, then feast your eye's upon its craftsmanship and Gold plated surfaces.

¹ Montblanco..a 100+ year old pen maker from Germany. They refer to their staff as "ambassadors" and plate their pens in gold then sell them in "boutiques" with serial numbers. Three types of people purchase these, one with a shortness problem (Freud), perfectionists and sweethearts.

28. Ken Paxton's actions are overwhelming, self-proving that he is not fit to practice in this court, even if he were admitted, which he is not, by the courts own rules. If a motion for summary judgment could be used in a criminal case, it would be over, because Mr. Paxton admitted to the violations with the SEC, which then lead to his criminal indictment(s). There is no need to cite the countless laws and violations of ethical conduct he has pooped on. HE SWORN UNDER OATH, not once, but each time he moved to another journey of his profession, he is a criminal and Americans including Muslims, Jews, Atheists, Christians, Gays, Blacks and Mexicans do not like criminals.

REQUESTS

29. Friend of the Court, David Goad, requests this Court set a hearing on the issues and dismiss this frivolous lawsuit. Furthermore, the court is asked to asses all costs and attorneys fees (for all parties) to be taxed upon Ken Paxton (solely) and not the citizens of Texas or our brothers and sisters outside of Texas. It time he learns a lesson.

Respectfully submitted



David Goad, *pro se*
1154 Rivertree Drive
New Braunfels, Texas 78130
512-730-0762

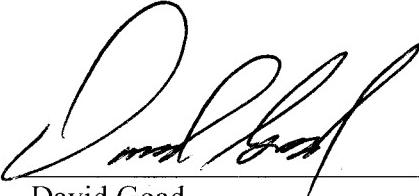
CERTIFICATE OF SERVICE

I, certify that this **Motion to Dismiss** was on this 9th day of December 2015, was served on the below listed parties/attorney's in accordance with Rule 5 of the FRCP.

Attorney General, Ken Paxton
P.O. Box 12548
Austin, Texas 78711-2548
U.S. Mail

Rebecca Robinson, ACLU
P.O. Box 8306
Houston, Texas 77288
U.S. Mail

Stuart Robinson, U.S. Department of Justice
Civil Division
950 Pennsylvania Ave. NW
Washington, DC 20530-0001



David Goad

EXHIBIT A

NO. 416-81915-2015

FILED
At 4:15 PM
JUL 26 2015
ANDREW STRON THOMPSON
Court Reporter Collin County, Texas
VS. *[Signature]*

THE STATE OF TEXAS

V.

WARREN KENNETH PAXTON, JR.

IN THE 416TH JUDICIAL DISTRICT COURT
OF COLLIN COUNTY, TEXAS

BOND:

OFFENSE: In connection with the sale, offering for sale or delivery of, the purchase, offer to purchase, invitation of offers to purchase, invitations of offers to sell, or dealing in any other manner in any security or securities, engaging in fraud or fraudulent practice in violation of Texas Securities Act, Section 29(C)(Joel Hochberg).

INDICTMENT

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY for the County of Collin, State of Texas, duly selected, impaneled, sworn, charged and organized as such by the 416th District Court for the said County at the July Term, A.D. 2015 of the said Court, upon their oaths present in and to said Court that WARREN KENNETH PAXTON, JR., hereinafter styled Defendant, on or about the 26th day of July, 2011, and before the presentation of this indictment, in the County and State aforesaid, did then and there engage in fraud in

connection with the offer for sale and sale of common stock of SERVERGY, INC., being a security to wit: stock, to JOEL HOCHBERG, hereinafter styled the complainant, in an amount involving \$100,000 or more, by intentionally failing to disclose to the complainant, to wit: that WARREN KENNETH PAXTON, JR. had not, in fact, personally invested in SERVERGY, INC., and that WARREN KENNETH PAXTON, JR. would be compensated, and had, in fact, received compensation from SERVERGY, INC., in the form of 100,000 shares of SERVERGY, INC. stock, the said information being material fact.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Mark B. Mull
FOREMAN OF THE GRAND JURY*7/26/15*
DATE

EXHIBIT B

Transparent Justice Foundation, Inc.
home@transparentjusticefoundation.org

November 17, 2015

Mr. Greg Abbott, Texas Governor
P.O. Box 12428
Austin, Texas 78711-2428

Re: fear mongering

Mr. Abbott,

Today, I read about your concern with refugees coming into Texas. This appears to be more of your and former governor Perry's fear mongering. We must act as American's in all circumstances!

Texan's are more likely to be executed without sufficient evidence by fraud upon the court (one example: Cameron Todd Willingham, see The Innocence Project), or baby slaughter protected by the good-ol-boys. Mexicans in Texas are more likely to be shot in the back or killed by sharpshooters in helicopters. The truth is Texan's should be more worried about The Black Robe Syndicate of Texas rather than all 10,000 refugees!

Below are excerpts from a friend of the court brief in *Shelby County Alabama v. Eric H. Holder, U.S. Supreme Court No. 12-96*. Please note that the Honorable Antonin Scalia made sure this brief was not distributed to the other justices (a common practice). Excerpt:

Family of Mexico shot by border Patrol Sues Associated Press.
BROWNSVILLE, Texas (AP) - The family of a Mexican man, who they say was killed by a Border Patrol agent's shot across the Rio Grande, has sued the U.S. government. The lawsuit filed in federal court in Brownsville on Friday alleges the agent used unlawful force in shooting 30-year-old Juan Pablo Perez Santillan. Border Patrol says illegal immigrants were throwing rocks at agents while they detained a group that had crossed the river July 7. Another agent fired across the river when someone was seen aiming a rifle. The Mexican government has confirmed that Perez Santillan was killed on the river bank in Matamoros. His family says in the lawsuit that he was unarmed and signaling groups when to cross the river.

Thursday, Oct. 25, 2012. Texas Department of Public Safety sharpshooter opened fire on an evading vehicle loaded with suspected illegal immigrants, leaving at least two people dead, sources familiar with the investigation said. (AP Photo/The Monitor, Joel Martinez)

Commentary: In 2011, Texas (the only state in the nation) approved the killing of Hogs from a helicopter.

US Boarder Patrol Agent Shoots, Kills Mexican Teen Insider Says Latino Fox News.com. "The Mexican Government is infuriated over a shooting involving a U.S. Border Patrol agent and a Mexican teen. The U.S. Border Patrol agent opened fire on a group of people throwing rocks from across the Mexican border, killing a teenage boy and eliciting outrage from the Mexican government over the use of lethal force, authorities said Thursday."

Said brief supported the voting rights act.

The reason Texas thwarts registration drives. San Antonio Express News.

"Before the November elections, Texas imposed what were credibly considered the most restrictive rules on so-called third party voter registration drives in the country. As with the voter ID law, the state's alleged rational was that these were necessary to block voter fraud. But, of course, there is no widespread fraud to block. This rationale is a straw man to distract from purely partisan motives: to dampen traditional Democratic votes, and especially voters of color." It is a felony in Texas to gather folks up (registration drive) to help them vote.

Please Mr. Abbott, expose to the nation how much money comes into Texas from federal sources for "border security" perpetrated by fear mongering. The funds to pay border patrol agents, helicopters, small jets for executive staff, fuel, surveillance, and much much more.

Explain how you curtail OSHA staff from inspections that protect immigrants and others, so that contractors like Texas Sterling Construction can reap additional rewards and use illegal immigrant labor on public works projects?

Explain why border patrol agents never visit Texas Sterling Construction sites?

Explain who Texas Sterling Construction is and how many millions or hundreds of millions they do in public works projects. While you're at it please ask Texas Sterling Construction to reveal how much they provide in contributions to good-ol-boys.

Remember, a law was passed while you were AG so "dark money" could be keep secret and does not have to be exposed to the public (good-ol-boy-bucks)?

Please explain why **you** stopped the FOIA (open records) request surrounding the death of a 6 month old baby girl in New Braunfels, Texas (including death certificate)? The baby of Kayla Carlson. Does this have to do with your friendship with District Attorney Jennifer Tharp, who made sure charges were never brought against the young white mother for leaving her six month old baby daughter in a hot car for NINE LONG HOURS?

Are you grooming Ms. Tharp to take the place of our felonious attorney general, Mr. Paxton? Will this dead baby girl ever rest in peace without justice?

This next excerpt provides a comparison of a Mexican v. young white woman with good-ol-boy connections.

Man cited in Turkey death not welcome to work at Comal Courthouse

Herald-Zeitung, December 2, 2011. "NEW BRAUNFELS — Comal County Commissioners have instructed their courthouse restoration contractor not to allow Ernesto Zavala Cerna, the man cited in the death of the popular Landa Park turkey, to set foot on county property."

"Although a necropsy was not ordered, the turkey may have died of the injuries witnessed by a woman eating lunch in the park, who reported seeing two men, one of whom grabbed the turkey by the neck, shook it around and tossed it into a wading pool, Satsky said." San Antonio Express News.

Commentary: The Comal County Commissioners aka Comal County Commissioners Court is led by a judge, Judge Sherman Krause. This is a case of guilty until proven innocent, fired in December before he has appeared in court. I wonder how this man provided for Christmas? Is it possible the turkey was looking for food from two men eating lunch at a park in December when plant life is dormant? Is it possible the man held the turkey by the neck to keep from being bitten? Is it possible the man tossed the turkey in the wading pool to deter the bird? Is it possible the turkey died later of other causes? If the man was hungry, he would have killed the turkey and taken it home. In this

part of the country nearly every man hunts, it is a right of passage so to speak. Those of us who have been around animals know they can get very aggressive especially during breeding season, when babies are present, and when they are hungry in December. If you have ever encountered a goose, you will never forget it.

Baby girl found dead in vehicle San Antonio Express News.

"A 6-month-old girl was found dead Tuesday afternoon in New Braunfels after her mother accidentally left her in a vehicle for about nine hours while at work, police said."

Commentary: The young woman's name is Kayla Carlson who lives and works in New Braunfels, Texas, Comal County. No charges have ever been filed against her. Ms. Carlson is white, would a mother with an alternate skin color been treated equally? I can assure you if she had been the wife of Ernesto Zavala Cerna, she would be behind bars.

(not in brief): Around the same time this baby girl in New Braunfels died, in San Antonio (our neighbor), a Mexican man placed his handicapped little girl in a tub of water. He left and came back a short while later (1/2 hour or so) and the little girl had drowned. Yes, he too was arrested and prosecuted for her death.

In summary, Mr. Abbott, baby slaughter, being a Mexican, shooting Mexican's in the back and executing poor people without evidence is what you should be fear mongering about rather than the possibility of some human beings needing a place to stay warm and feed their loved ones **attacking us**. Should we also speak of your response when district attorney Heather Hollub (**Guadalupe County**) was caught red-handed presenting fabricated evidence to a grand jury only to have a man arrested to tarnish his name? A man in his prior 52 years of life had never been indicted nor an arrest warrant issued against him. A man who had an iron-clad civil RICO case against public officials in **Guadalupe County**?

Rumor has it that many more AK47's (type) and machine guns reside in Texas than any other state. Publishing this Mr. Abbott, would bring more deterrence to the possibility of terrorist coming to Texas than to stand on the street corner with your knees knocking!

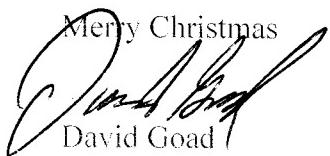
Falling tears have no color!

TJF

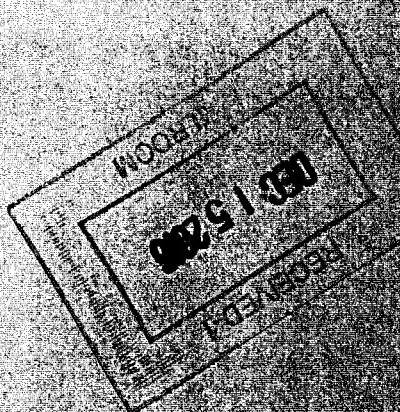
cc: President Obama

BTW: Your failure to lead the Great State of Texas in prayer for the families when the Russians aircraft was blown-up darkens Christianity.

Please file upon receipt.

Merry Christmas

David Goad

F/T/C Clerk



Chris Strobel Court Clerk
Barrie Cobell-Pedersen
1100 Commerce St
Dallas, TX 75242

